IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 755 OF 2006
ALONGWITH
CRIMINAL APPLICATION NO.756 OF 2006

Shri Babaji Tukaram Gaikwad
and Ors. ...Applicants.

V/s

The State of Maharashtra
(Through Wadgaon Maval Police
Station, Pune) ...Respondent.

Shri Anil Dhavale for the applicants.

Ms. Rajeshree M. Gadhvi, APP for the State in
Criminal Application No.755 of 2006.

Mr. S.S. Tatkar, APP for the State in Criminal
Application No.756 of 2006

CORAM: V.M. KANADE, J.

DATE: 27th February, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicants have an apprehension that they are likely to be arrested in a complaint which is filed by Rahul Bhegde on 25/3/2004 and the complaint was lodged by API Sanjay Bhagwa Bhamre, Wadgaon Maval Police Station vide C.R No.44 of 2004 and 45 of 2004 respectively.

3. It is submitted that the applicants are not concerned in any manner with the said offence which is alleged to have been committed by them. It is submitted that the names of the applicants are not mentioned in the FIR and the other witnesses have merely mentioned their names without attributing any overtact to these applicants.

4. The prosecution case is that a mob of 40 to 45 persons attacked the complainant and his family members with lathis and swords and when the police tried to dispel the crowd, these people also pelted stones on the Police Officers. The charge-sheet has been filed in both these cases.

5. It is submitted by the learned APP for the State that the applicants were absconding and, therefore, their application for anticipatory bail has been rejected by the Sessions Court.

6. I have perused the FIR. I have also seen the marriage invitation which was issued by the parents of applicant No.3 in respect of his marriage ceremony which was held on 3/1/2005. The said marriage had taken place in the same village. He has also invited my attention to the Grampanchayat elections which had

taken place in the said village where applicant No.2 was contesting the said elections and was elected in the Grampanchayat elections. The contention of the APP that the applicants were absconding, therefore, does not appear to be true as can be seen from the Grampanchayat elections records and the marriage ceremony which was performed in the village. The statements of witnesses do not implicate the applicants or do not attribute any specific role to them. There appears to be a rivalry in the two groups in the village. It cannot be forgotten that, in such cases, very often, all the names of the members of the other group are taken. Another important aspect is that, in the FIR, the names of the applicants have not been mentioned.

7. In these circumstances, in my view, this is a fit case for grant of an anticipatory bail. The applicants in the event of their arrest in connection with C.R. No.44 of 2005 registered at Wadgaon Maval Police Station, Pune for the offences punishable under sections 143, 147, 148, 149 etc. and in connection with C.R. No.45 of 2005 registered at the said Police Station for the said offence respectively be released on bail in the sum of Rs 5,000/- each with one or two sureties in the like amount each. They shall report

to the said Police Station as and when called for.

8. Applications are accordingly disposed of.

V.M. KANADE, J.